

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of the following species:

E = bombesin receptor binding molecule

L = (CH<sub>2</sub>)<sub>n</sub>

a = 1

Ar = benzene

X = single bond

in the reply filed on 10/26/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 11, 12, and 21-27** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the elected compound does not find support in the specification. In fact, the only specifically disclosed compound is the example on page 20, 4-azido-2,3,5,6,-tetrafluorophenylbenzoate-bombesin. The figures, such as figure 2-6 also

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depict compounds in the genus form with the bio-molecule a variable, and possibly figure 7 and 8 being specific compounds. Further, the compounds listed all contain CONH bonds attached to the Ar group and bio-molecule. One of skill in the art is not taught how or even if the bio-molecule will attach to a CH<sub>2</sub> group. Nor is there any indication that this compound would work similar to the disclosed compounds in a method of performing a phototherapeutic procedure.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Packard whose telephone number is 571-270-3440. The examiner can normally be reached on M-R 9-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14 November 2007

BP

/Ardin H Marschel/

Supervisory Patent Examiner, Art Unit 1614